IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1229 OF 2007

Rajesh Motichand Prasad/Ram ..Petitioner

Vs.

State of Maharashtra ..Respondents

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Ms.Rebacca Gonsalvez Advocate (appointed)
for Petitioner
Mr.M.S.Mhambre APP for State

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**CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.**

DATE : JULY 20, 2007

P.C. [PER SMT.V.K.TAHILRAMANI,J.]:

1. Heard the learned advocate for the Petitioner and the learned APP for the State.

2. The Petitioner had preferred an application for furlough. The said application came to be rejected, hence, this petition.

3. It is seen that Petitioner hails from State of

Bihar. On the petitioner preferring application for furlough, report was called from the local police in the State of Bihar. The said report is adverse. It clearly states that if the Petitioner is released on furlough, there will be a law and order problem. Besides this, it is stated by them that if the Petitioner is released on furlough, he will not return back to the jail. Looking to these facts and other facts which are stated in the report given by the Police machinery in Bihar, we cannot find fault with the authorities for rejecting the application for furlough. The earlier application was preferred in the year 2005. It is made clear that it is open to the Petitioner to prefer a fresh application for furlough and the authorities may consider the same expeditiously keeping all relevant facts in mind.

4. Petition is rejected.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]